

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

NORMAN POTTS,	)	
	)	CIVIL ACTION NO.
Petitioner,	)	
	)	3:06-CV-0201-G
VS.	)	
	)	CRIMINAL ACTION NO
UNITED STATES OF AMERICA,	)	3:04-CR-321-G
	)	<b>ECF</b>
Respondent.	)	

**ORDER**

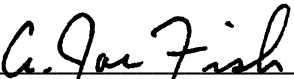
After reviewing all relevant matters of record in this case, including the findings, conclusions, and recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned district judge is of the opinion that the findings and conclusions of the magistrate judge are correct and they are **ACCEPTED** as the findings and conclusions of the court.

For the reasons stated in the findings, conclusions, and recommendation, the court **DENIES** as moot movant's motion for summary judgment and **GRANTS** the motion to vacate on one claim of ineffective assistance of counsel. The court

**VACATES** petitioner's sentence and will resentence him by separate order in light of the accurately calculated guidelines range.

**SO ORDERED.**

July 17, 2008.

  
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A. JOE FISH  
Senior United States District Judge